

David L. Pakter, M.A., M.F.A.

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To: Chancellor Joel I. Klein, Esq.
Office of the Chancellor, New York City School System
Maureen Hayes, Chief of Staff
Diana Lam, Deputy Chancellor

Oct. 2, 2003

Re: The Unfinished Business of Brown v. Board of Education
Investigation of New York City Board of Education by The US Dept. of Justice

Dear Chancellor Klein, Ms. Hayes and Deputy Chancellor Lam:

It is most urgent that I meet with you to discuss what I have uncovered to be a pattern in the New York City School District. This pattern of behavior on the part of Board of Education Supervisory Personnel, whose function it is to supervise, (and one would imagine, inspire), teachers to try to be creative innovators, is on closer examination, a pattern that has led to disastrous consequences for inner city children.

Low-income, at risk, and in particular minority students are being deprived of the opportunity to take many courses and engage in many learning situations that white, higher income students have come to take for granted. The recent wins in court of class action lawsuits that have attempted to address this issue are on the rise, most recently, the stunning victory by SKADDEN, ARPS, SLATE, MEAGHER and FLOM on behalf of a 14-year-old Hispanic schoolgirl who although declared illiterate by the New York City Board of Education, had been promoted from first grade up until high school.

Now, thousands of Hispanic families are considering a one-billion dollar class action suit to address the fact that many schools offer them no choice of foreign language except the language they speak exclusively at home daily. That is tantamount to denying them the same opportunity that every middle and upper-class student takes for granted. To add insult to injury, many schools offer them only one year of language, which robs them of the right to apply to colleges in many states that expect and demand to see 2 years of foreign language on their permanent record. That means a minority student who can finally drink at a once WHITE ONLY water fountain in Alabama, cannot drink of the educational opportunities in the State of California. Clearly, such a situation constitutes a Violation of that student's Civil Rights, the Constitutional Right to Equal Opportunity and Protection, and the Right to the same quality education as any other American, Black or White, rich or poor.

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I am an insider in the system for 35 years and an educator who was decorated personally by Mayor Rudolph Giuliani at a City Hall ceremony for achieving exceptional distinction in the field of Education. In 2001 I designed the only Medical Illustration Program in the country on the High School Level.

I am presently in a position to document what I and others can establish to be an ongoing pattern by Supervisory Personnel of behavior that puts statistics before children and has the ultimate effect of leaving them at a financial, educational and most tragically, psychological, disadvantage for life.

I believe it can be shown and demonstrated that the legal rights of countless thousands of disadvantaged, at-risk, New York City children are being intentionally, willfully and systematically abrogated on a daily basis. Furthermore, I can produce documents and evidence that will stand up in Court to prove that numerous Federal statutes and guidelines, including but not limited to "No Child Left Behind", are being systematically violated.

I have this week given sworn, recorded testimony, under oath, at the offices at 80 Maiden Lane, of the SPECIAL COMMISSIONER OF INVESTIGATION. My testimony detailed a willfull pattern which I have personally witnessed, of preventing Hispanic and other minority children from studying any language other than Spanish.

Consider what this type of "Tracking" does to the mind of a young child in his formative years. Similar "Tracking" is rampant in the system, all of which is not only educationally unsound but psychologically damaging and scars a child for life.

Almost 40 years ago the noted expert Jonathan Kozol received the National Book Award in Science, Philosophy, and Religion for his historic and shattering expose, DEATH AT AN EARLY AGE- The Destruction of the Hearts and Minds of Negro Children in the Boston Public School System. It is still 40 years later required reading for students entering the field of Education. The astounding fact is that after four decades, the Unfinished Business of Brown v.Board of Education is still taking place right under the nose of the Chancellor's Office, carefully concealed behind a facade of saccharine smiles and daily acts of hypocrisy committed by self-absorbed Principals and Supervisors who actively try to destroy any teacher's career who has the temerity to suggest any creative innovation that will threaten the status quo.

You will not pass this way again Chancellor Klein. Neither will the rest of us. The Arc of Justice bends forth across the Universe, silently calling out the cause of children whose fate you hold in your hands, not to mention all the New York children as yet unborn. I ask that you hear that silent voice and protect their right to dream Dreams and have a

decent Future. The same future and the same quality of Life that any human being is entitled to and deserves- Black or white, rich or poor. Whether born in the lap of luxury or Hell's Kitchen.

Anything less is an insult to human dignity and constitutes an abomination.

Again as this matter is a ticking time bomb and the United States Department of Justice may soon be involved due to the breaking of Federal Laws I urge you to meet with me at your earliest convenience to hear testimony that will shock you, horrify you and may even cause you to weep. I have already given depositions. I think it is appropriate you hear this information with your own ears.

I trust that you will arrange your schedule so that we can meet at the earliest possible moment, BEFORE the Dept. of Justice and the F.B.I. intercede to protect the children I know you so passionately care about and whose rights you wish to defend.

I remain with the highest respect and admiration,

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Pakter", with a long, sweeping horizontal line extending to the right.

David L. Pakter, M.A., M.F.A.